

In case after case, whether in dissent or the majority, Judge Kavanaugh votes against the environment and with industry. He voted to invalidate EPA rules to regulate emission of greenhouse gasses by plants and factories, to overturn EPA's mercury and air toxics standards limiting hazardous emissions from powerplants, to allow EPA to delay implementation of its methane control rule, to overturn an EPA rule regulating greenhouse gas emissions from cars and trucks, to overturn an EPA decision to revoke a coal company permit that would harm the environment. This is not the record the American people want from a Justice likely to rule for decades on the most important environmental law cases.

His record on matters addressing climate change is especially troubling. Climate change can hit minorities and low-income communities the hardest. In New Mexico, traditional land grant and acequia communities depend on the land to sustain their families. The climate change-induced drought we are experiencing in New Mexico and the Southwest threatens our way of life.

If we are looking for a Justice who will put balance back into our campaign finance system, Judge Kavanaugh is not a likely candidate. He has been clear that he believes that money equals free speech. So it is a good bet he will not scrutinize Citizens United or the other Supreme Court cases that now allow unlimited, dark money to run roughshod over our campaigns and tear at the fabric of our democracy. Our campaign finance system is broken beyond repair. Unless we change the rules—either through Supreme Court decision or congressional action and constitutional amendment—we will continue to see the kinds of perverse results we now see where a few superwealthy individuals and big corporations drown out the many. But we are pretty much assured that a Justice Kavanaugh will not change the rules that now allow unfettered dark money to pollute our elections.

It is hard to overstate the importance of the Supreme Court nomination before the Senate. New Mexicans and the American people want a nominee who has been 100 percent honest, whose nomination is not tainted by credible allegations of sexual assault and misconduct. New Mexicans and the American people want a nominee who will act as a check on the powerful, but President Trump chose this nominee to do the opposite.

At this critical point in our Nation's history—when we have a President who is under DOJ investigation for conspiracy with Russia to undermine our national election and obstruction of justice, who may have broken campaign finance laws to win the Presidency—we must have Justices on the Court who believe in the rule of law, who believe that no one is above the law, even the President. At this his-

toric juncture, the American people must have assurance that any judicial nominee will hold the President true to our laws, true to our Constitution, but Judge Kavanaugh cannot give the American people this assurance, and I cannot support his nomination.

## MORNING BUSINESS

### 200TH ANNIVERSARY OF BROWN BROTHERS HARRIMAN & CO.

Mr. SCHUMER. Mr. President, I would like to bring the Senate's attention to the 200th anniversary of the New York City-based institution, Brown Brothers Harriman & Co. The firm, which was founded in 1818, is still in operation in the United States and has had a major presence in New York.

The firm evolved from a 19th-century family-operated linen import business among Brown relatives in Northern Ireland, Liverpool, Baltimore, Philadelphia, and New York City and is one of the world's storied financial houses. The first office in New York was located at 191 Pearl Street near the wharves of South Street. By 1835, the firm had moved to Wall Street as the city experienced the growth in trade from the recently completed Erie Canal and innovations in overseas shipping.

Philanthropy has been a passion of the partners who were early benefactors of the Union Theological Seminary, as well as founders of the New York Association for Improving the Condition of the Poor. Brown Brothers partners also served on a council whose work led to the enactment of New York State's first tenement house law in 1867.

On October 5, family and partners of the firm will gather to celebrate 200 years of their banking history. I wish them congratulations.

## ENDANGERED SPECIES ACT

Mr. BARRASSO. Mr. President, today I wish to submit for the RECORD a column written by Mr. Dennis Sun, a Wyoming journalist and rancher, entitled "The Act is Broken." The article was published in the Wyoming Livestock Roundup on August 29, 2018.

Since its passage in 1973, the Endangered Species Act has contributed to the recovery of iconic species like the bald eagle. It has been an important conservation tool, but it is in need of an update.

Wyoming has invested more than \$50 million for the recovery of the grizzly bear alone. Twice in the last decade, the U.S. Fish and Wildlife Service has found that the grizzly bear met all recovery targets and no longer should be protected as "threatened" under the Endangered Species Act. Courts have twice overturned the delisting decisions and, in so doing, undermined the expert opinion of wildlife biologists who set, approved, and met recovery goals.

Mr. Sun's article highlights the case of the grizzly bear as a prime example for why my efforts to give states more opportunities to engage in conservation under the act have merit. The successful recovery of the grizzly bear took decades, but I am hopeful we will be able to improve the act and improve conservation much faster.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Wyoming Livestock Roundup, Aug. 29, 2018]

### THE ACT IS BROKEN

(By Dennis Sun, Publisher)

On Sept. 24, U.S. District Court Judge Dana Christensen issued his decision that stopped the delisting of the Greater Yellowstone Ecosystem grizzly bear.

This ruling was not unexpected, as Judge Christensen had already ruled twice to postpone the planned grizzly bear hunting seasons.

The case was brought by some wildlife advocates and a couple of tribes. They argued the bears face continued threats from climate change and loss of habitat. The case was based on more procedural action that they felt was not included the delisting study. During this trial, the questions Judge Christensen asked gave lawyers for Wyoming and the Mountain States Legal Foundation the notion he was going to rule against the state, and he did. An appeal to the Ninth Circuit Court in San Francisco, Calif. is most likely not going to happen, as that court doesn't rule in favor of the western states often. The Ninth Circuit tends to be pretty liberal in its views.

The grizzly bear is now under the jurisdiction of the U.S. Fish and Wildlife Service (FWS).

Gov. Matt Mead said, "I am disappointed with this decision. Grizzly bear recovery should be viewed as a conservation success story. Due to Wyoming's investment of approximately \$50 million for recovery and management, grizzly bears have exceeded every scientifically established recovery criteria in the Greater Yellowstone Ecosystem since 2003. Numbers have risen from as few as 136 bears when they were listed in 1975, to more than 700 today."

Gov. Mead also noted, "Biologists correctly determined grizzly bears no longer needed Endangered Species Act (ESA) protections. The decision to return grizzly bears to the list of threatened and endangered species is further evidence the ESA is not working as its drafters intended. Congress should modernize the ESA so we can celebrate successes and focus our efforts on species in need."

Government biologists contended that Yellowstone's grizzlies were thriving, having adapted to changes in their diet and are among the best managed bears in the world. If the judge's ruling would have different, FWS would have also lifted federal protection for around 1,000 grizzly bears in the Glacier National Park and the Bob Marshall Wilderness Area of Montana, but the ruling stopped that, as well.

Just like dealing with the wolf issues, this ruling will take some time to get straightened out. Hopefully President Trump, our Congress, Sen. Barrasso and other states will get an improved and revised ESA bill passed—that is what it will take to delist bears. More states are having issues with endangered species. In Washington, ranchers see wolf predation on livestock, so we should have more sympathy to get ESA corrected.

There is a big push today that says many of the risks faced by many species today result from habitat modifications caused by